IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 16496 of 2007(L)

PETITIONERS:

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1. **K.T.SANJEEV,**
   U.D.CLERK (HR.GR.)
   OFFICE OF THE DRUGS CONTROLLER
   THIRUVANANTHAPURAM-695035

2. **K.P.SAVITHRI,**
   U.D.CLERK,
   OFFICE OF THE DRUGS TESTING LABORATORY
   THIRUVANANTHAPURAM-695035

BY ADV. SRI.B.RAGUNATHAN,
SRI.V.V.MATHEW.

RESPONDENTS:

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1. **STATE OF KERALA,**
   REPRESENTED BY PRINCIPAL SECRETARY TO GOVT.,
   HEALTH AND FAMILY WELFARE DEPARTMENT
   GOVERNMENT SECRETARIAT
   THIRUVANANTHAPURAM-695001

2. **DRUGS CONTROLLER**
   KERALA STATE
   THIRUVANANTHAPURAM-695035

3. **SHRI.D.BRAHMANANDAN,**
   U.D.CLERK,
   OFFICE OF THE DRUGS CONTROLLER
   THIRUVANANTHAPURAM-695035

W.P.(C). NO.16496/2007:

4. SHRI.ANTONY WILFRED
U.D.CLERK,
OFFICE OF THE DRUGS TESTING INSPECTOR
KOLLAM

BY GOVT. PLEADER SRI. P. NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.16496/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER DTD. 18/05/2007 OF THE R.2.

EXT.P.2: COPY OF THE ORDER DTD. 25/05/2007.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 26/05/2007 OF THE P.1.

EXT.P.4: COPY OF THE REPRESENTATION DTD. 26/05/2007 OF THE P.2.

EXT.P.5: COPY OF THE ORDER DTD. 26/05/2007 OF THE P.2.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 16496 of 2007-L

Dated this the 15th day of June, 2007.

J U D G M E N T

The petitioners are husband and wife. They are U.D. Clerk Higher Grade and U.D. Clerk respectively, working in the Office of the Drugs Controller and Office of Drugs Testing Laboratory, Thiruvananthapuram. They were transferred and posted at Thiruvananthapuram after about 5 years service in Kannur, on 18-6-2004. Now, by Ext.P1 they are being transferred from Thiruvananthapuram to Kollam. So, this writ petition is filed, challenging Ext.P1. According to them, there is no reason or necessity to transfer them. There are several vacant postings in which they could be accommodated at Thiruvananthapuram. It is only under political influence they are being disturbed, it is submitted. This Court, on 30-5-2007, passed an interim order to retain them at Thiruvananthapuram, if they have not been relieved so far. The petitioners point out that the first petitioner has been relieved under a pre-dated order, Ext.P5. Though, the second petitioner has been relieved, she has been re-admitted. But, the first petitioner has not so far been admitted. The petitioners have already preferred Exts.P3 and

P4 representations against the transfer. They pray, the Government may be directed to consider those representations and in the meantime, they may be retained at Thiruvananthapuram.

2. Heard the learned Government Pleader for respondents 1 and 2. The learned Government Pleader, upon instruction, denies the allegations of the petitioners. It is submitted that have been transferred in due course, on completion of 3 years' tenure, at Thiruvananthapuram.

3. The first respondent is directed to look into the grievance raised by the petitioners, in Exts.P3 and P4, in accordance with law, within two months from the date of receipt of a copy of this judgment. The petitioners shall produce a copy of this judgment before the first respondent, within two weeks from today. If the substitute in the place of the first petitioner, has not joined duty as on today, he shall not be admitted. The petitioners, provided the first petitioner has been admitted back to duty, shall be allowed to continue in Thiruvananthapuram, for a period of three months from today or till the first respondent dispose of the representation as directed, whichever is earlier.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS